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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LEGACY HEALTH; LEGACY GOOD
SAMARITAN HOSPITAL AND MEDICAL
CENTER; LEGACY MOUNT HOOD
MEDICAL CENTER; LEGACY MERIDIAN
PARK HOSPITAL dba LEGACY
MERIDIAN PARK MEDICAL CENTER; and
LEGACY EMANUEL HOSPITAL &
HEALTH CENTER dba LEGACY
EMANUEL MEDICAL CENTER,

Plaintiffs,

v.

VAL HOYLE, in her official capacity as
Commissioner of the Oregon Bureau of Labor
and Industries; DUKE SHEPARD, in his
official capacity as Deputy Commissioner of
the Oregon Bureau of Labor and Industries;
and OREGON BUREAU OF LABOR AND
INDUSTRIES,

Defendants.

Case No. 3:22-CV-00573-HZ

NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
(ECF 14)

Defendants submit as additional authority in support of their motion to dismiss (ECF 14) this Court’s recent decision dismissing—on *Younger* abstention grounds—a complaint seeking to enjoin an Oregon state agency’s administrative enforcement proceedings. *See Willamette Fam., Inc. v. Allen*, No. 6:22-CV-00978-AA, 2022 WL 17340428 (D. Or. Nov. 30, 2022). In *Willamette Family*, this “Court conclude[d] that it must abstain from deciding th[e] case,” *id.* at *9, in favor of a state administrative enforcement action, *id.* at *6–*9. That is the same reason Defendants here urge the Court to dismiss Legacy’s Claim 1, Counts 1–6 and Claim 2, Counts 2–3. *See* ECF 14 at 9–14, 35. Of particular note, *Willamette Family* held that the plaintiff “may raise federal constitutional challenges—including those raised here—at the pending contested case hearings.” *Willamette Fam.*, 2022 WL 17340428 at *9. In this case, as in *Willamette Family*, “[t]o rule on the constitutional issues in these circumstances would interfere with the state’s interest in the administration of its regulations and would ‘put the federal court in the position of making a premature ruling on a matter of constitutional law.’” *Id.* at *10 (quoting *Gilbertson v. Albright*, 381 F.3d 965, 984 (9th Cir. 2004)).

DATED December 16, 2022.

Respectfully submitted,

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